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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,160	11/26/2001	Matti Seppa	NOK114-00012	2114
30973	7590	06/24/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,160

Applicant(s)

SEPPA ET AL.

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-24-02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14, 16-21, 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Chow (U.S. 6574470 B1).

3. Regarding claim 1, Chow teaches (col. 68, line 4 – col. 69, line 64) a method comprising: activating a data channel between a first (mobile station) and a second (voice access port) station (fig. 9); starting a timer function (fig. 32, element 3204); maintaining the data channel in a ready state until the timer function indicates an expiry of a predetermined period (fig. 32, element 3205, during this step the status of the channel is not changed until the time-out period); initiating transmission of data on the data channel (3206, transmission of data begins when the cal is routed to the mobile station); preventing the data channel to change from the ready state to another state based on the timer function until a predefined event.

4. Regarding claims 2 and 17, Chow teaches (fig. 32) at least one timer of the timer function is stopped until an indication of the event.

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5. Regarding claims 3, 6 and 20, Chow teaches (fig. 47C) at least one timer is reset upon receipt of the indication (when the VAP releases a call, the timer is reset to try to setup a call).
6. Regarding claims 4 and 19, Chow teaches (fig. 47C) at least one timer is restart upon receipt of the indication (when the VAP releases a call, the timer is restarted to try to setup a call).
7. Regarding claims 5 and 18, Chow teaches (fig. 47C) the timer function is ignored until an indication of the event (the timer does not start until the VAP tries to initiate a call).
8. Regarding claims 7 and 21, Chow teaches (fig. 47C) the event comprises an indication that the data transmission has ended (4758).
9. Regarding claim 8, Chow teaches (fig. 47C) the timer is prevented from having impact on the state of the data channel during data transmission (Chow shows that the timer is started in the beginning when the VAP is trying to make a call, and not during data transmission).
10. Regarding claim 9, Chow teaches (fig. 47C) the length of the predefined period is set during the activation of the data channel based on a timer value (4732).

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11. Regarding claim 10, Chow teaches (col. 89, line 50 - col. 90, line 2 and fig. 47C) the state of the data channel is changed to other state based on an indication by a further timer.

12. Regarding claim 11, Chow teaches (col. 89, line 50 - col. 90, line 2) the further timer is implemented by a logical link control function.

13. Regarding claim 12, Chow teaches (col. 89, line 50 - col. 90, line 2) an indication of the expiry of the further timer is handled by the system as it would be an indication from the timer function.

14. Regarding claims 13 and 26, Chow teaches (fig. 9) the first station comprises a mobile station and the second station comprises a base station of a cellular communication system.

15. Regarding claim 14, Chow teaches (col. 3, lines 29-50) the data channel that is in the ready state prevents communication over another channel between the two stations (it is inherent in Chow's system in teaching DCCH that the communication between the mobile station and the VAP is over one channel at a time).

16. Regarding claim 16, Chow teaches (col. 68, line 4 – col. 69, line 64) a system comprising: a first (mobile station) station and a second (VAP) station wherein a data channel can be established for communication between the stations (fig. 9); a timer

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function for provision of an indication based on which the state of a data channel is changed from a ready state to another state (fig. 32, element 3203, 3204); a control function responsive to the timer for controlling the state of the channel such that the data channel is prevented to change from ready to another state based on the timer until a predetermined event has occurred (fig. 32, element 3205, 3206).

17. Regarding claim 28, Chow teaches (col. 68, line 4 – col. 69, line 64) a station comprising: means for establishing a data channel for communication between the (mobile station) station and another (VAP) station; a timer function for provision of an indication based on which the state of a data channel is changed from a ready state to another state (fig. 32, element 3203, 3204) wherein the data channel is prevented to change from ready to another state based on the timer until a predetermined event has occurred (fig. 32, element 3205, 3206).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

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made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of the admitted prior art.

21. As mentioned above Chow teaches all of the limitations of claim 1.

22. Chow does not teach TETRA. However in applicant's Background of the invention TETRA is mentioned as an open digital professional mobile radio standard. It would have been obvious to one of ordinary skill in the art to use TETRA in Chow's system as it is well known in the art by applicant's own admission.

23. Claim 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of the Labonte (U.S. 5991286).

24. As mentioned above, Chow teaches all of the limitations of claim 16.

25. Chow does not teach the timer function is implemented on such a layer of a connection function model that is higher than a layer of the model on which the data communication functionality is handled.

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26. Labonte teaches (fig. 6) the timer functioning on layer 3. It would have been obvious to one of ordinary skill in the art to use layer 3 for operation of the timer to allow the network to be able to control the timer and not the data transmission.

Allowable Subject Matter

27. Claims 23-25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
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A handwritten signature in black ink, appearing to be 'S. Nguyen', with a long horizontal stroke extending to the right.

STEVEN NGUYEN
PRIMARY EXAMINER